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September 19, 2018

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, District of Columbia 20554

**RE: WC Docket No. 17-84: Accelerating Wireline Broadband Deployment by
Removing Barriers to Infrastructure Investment
WC Docket No. 17-79: Accelerating Wireless Broadband Deployment by
Removing Barriers to Infrastructure Investment**

Dear Ms. Dortch,

The Association County Commissioners of Georgia ("ACCG") writes to express our concerns relating to the Federal Communications Commission's proposed Declaratory Ruling and Third Report and Order in the above pending matters, which relate to the role and authority of states and local governments in the arena of small cell wireless infrastructure deployment. ACCG is a non-profit corporation that serves as the consensus-building, training, and legislative organization for all 159 county governments in Georgia. The constituency of ACCG includes more than 800 county commissioners; 400 appointed county clerks, managers, administrators, and attorneys; and almost 81,000 full-time and part-time employees. ACCG works to ensure that counties can provide the necessary leadership, services, and programs to meet the health, safety, and welfare needs of their citizens through education and technical assistance, with the objective of promoting more effective and efficient county government.

Counties own substantial amounts of public rights-of-way, which many communication providers use to construct their own communications networks. ACCG and Georgia counties share the Commission's objective of finding new ways to effectively deploy broadband technologies, especially in unserved and underserved communities. Indeed, many areas of Georgia have no broadband service at all, and counties in those areas are keenly interested in actions that will bring that technology to their citizens. However, ACCG is concerned that the proposed Third Report and Order would significantly impede local governments' ability to serve as trustees of public property, safety and welfare, while at the same time placing no obligation on broadband providers to actually deploy services. Some of ACCG's specific concerns are discussed below.

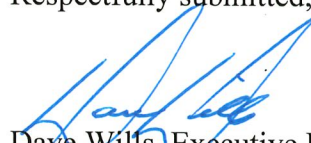
- **The proposed Third Report and Order brushes aside the substantial work of the Commission's own Broadband Deployment Advisory Committee.** In 2017, Commission Chairman Ajit Pai announced the creation of the Broadband Deployment Advisory Committee (BDAC), the purpose of which is to provide (over a two-year period that is ongoing) recommendations to the Commission on methods to accelerate broadband deployment. Made up primarily of representatives from the telecommunications industry but also with members from state and local governments, the BDAC has worked diligently on its mandate, including development of a Model Code for Municipalities as well as potential rates and fees for broadband providers' use of the public's rights-of-way for infrastructure deployment by these private wireless providers. It is of concern to ACCG that the Third Report and Order brushes aside the hard work of BDAC, including the incorporation of provisions directly at odds with recommendations and pending draft documents of BDAC on the above topics. In this setting, moving forward with the proposed Third Report and Order will certainly lead observers to conclude that the creation of BDAC was simply window dressing for an intention on the part of the Commission to adopt the positions espoused by the telecommunications industry.
- **The FCC's proposed new collocation shot clock category is unreasonably short.** The proposal designates any preexisting structure, regardless of its design or suitability for attaching wireless equipment, as eligible for this new expedited 60 day shot clock. These shot clocks are more extreme and at odds with the corresponding provisions unanimously adopted by BDAC in the Model Code for Municipalities. When paired with the FCC's previous decision exempting small wireless facilities from federal historic and environmental review, the proposed truncated shot clock places an unreasonable burden on local governments in their mandates to mitigate public safety, environmental, and historic-preservation harms to the community. The addition of up to three cubic feet of antenna and 28 cubic feet of additional equipment (the size of a large refrigerator) to a structure not originally designed to carry that equipment is substantial and may necessitate more review than the FCC would allow in the proposed Third Report and Order.
- **The FCC's proposed recurring fee structure is an unreasonable overreach and does nothing to ensure actual deployment of broadband service.** We disagree with the FCC's interpretation of "fair and reasonable compensation" as meaning approximately \$270 per small cell site. As noted above, moving forward with this recommendation circumvents the ongoing work of BDAC. Local governments share the federal government's goal of ensuring affordable broadband access for every American, regardless of their income level or address. That is why many counties and cities have worked to negotiate fair deals with wireless providers, using rates that may exceed that number or provide additional benefits to the community.

While the proposed compensation rates purportedly are intended to achieve fairness in relation to charges to other utility providers in public rights-of-way, this is an apples and oranges comparison: unlike electric and other existing utility providers, telecommunications providers are under no mandate to make service available to all. If broadband providers truly want equality, a mandated right to use of public rights-of-way should be married with a mandated obligation to make service available to all. Unfortunately, such a reasonable trade-off is nowhere to be found in the proposed Third Report and Order.

- **The FCC's proposed definition of "effective prohibition" is overly broad.** The draft Third Report and Order proposes a definition of "effective prohibition" that invites challenges to long-standing local rights of way requirements unless they meet a subjective and unclear set of guidelines. While the Commission may have intended to preserve local review, this framing and definition of effective prohibition opens local governments to the likelihood of more -- not less -- conflict and litigation over requirements for aesthetics, spacing, and undergrounding.

For over two years, ACCG and its member counties have worked in good faith with AT&T, Verizon, other telecommunication providers, the Georgia state legislature, and other organizations in an effort to promote and accelerate the deployment of broadband service while also ensuring responsible management of the public's rights-of-way. We oppose the draft report and order's effort to restrict local authority and stymie local innovation, while limiting the obligations providers have to our communities. We urge the members of the Commission to oppose the proposed Declaratory Ruling and Third Report and Order.

Respectfully submitted,



Dave Wills, Executive Director
Association County Commissioners of Georgia

cc: National Association of Counties